

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TERRIS MONAE' FREEMAN,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

TIFFANEY FREEMAN,

Respondent-Appellant,

and

DEWAYNE GRIFFIN,

Respondent.

In the Matter of TERRIS MONAE' FREEMAN,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

DEWAYNE GRIFFIN,

Respondent-Appellant,

and

TIFFANEY FREEMAN,

Respondent.

UNPUBLISHED

October 2, 2003

No. 246405

Wayne Circuit Court

Family Division

LC No. 01-397004

No. 246872

Wayne Circuit Court

Family Division

LC No. 01-397004

Before: Smolenski, P.J., and Murphy and Wilder, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor child. Respondent Tiffaney Freeman's parental rights were terminated under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (k). Respondent Dewayne Griffin's parental rights were terminated under MCL 712A.19b(3)(c)(i), (g), and (h). In both cases, we affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(A) and (E)(1)(b).

The trial court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were established by clear and convincing evidence with respect to respondent Tiffaney Freeman. MCR 5.974(I);¹ *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence established that Ms. Freeman was resistant to services and did not comply with her treatment plan during the eighteen months that the child was a temporary court ward. Ms. Freeman's argument that the treatment plan was unnecessary is an improper collateral attack on the trial court's assumption of jurisdiction. *In re Hatcher*, 443 Mich 426, 439; 505 NW2d 834 (1993). Further, the evidence did not show that termination of Ms. Freeman's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence established that the child spent the majority of her life living with the maternal grandmother and that Ms. Freeman only sporadically visited the child.

Respondent Dewayne Griffin has abandoned any challenge to the statutory grounds for termination and the child's best interests by failing to argue these issues in his brief. *Yee v Shiawassee Co Bd of Comm'rs*, 251 Mich App 379, 406; 651 NW2d 756 (2002). Mr. Griffin argues that the petitioner failed to make reasonable efforts to reunify him with his daughter. It is undisputed that the agency did not offer services to Mr. Griffin because of his incarceration. However, we find that reversal is not warranted on this basis. Mr. Griffin in fact completed services while incarcerated. Moreover, no services could rectify Mr. Griffin's incarceration, which was the primary reason for termination of his parental rights. Mr. Griffin had been incarcerated for the majority of the child's life and was unavailable to parent the child. Mr. Griffin continued to be incarcerated at the time of the termination hearing and it was not known when he would be released from prison. Mr. Griffin had already been denied parole after serving his minimum sentence.

Affirmed.

/s/ Michael R. Smolenski

/s/ William B. Murphy

/s/ Kurtis T. Wilder

¹ Effective May 1, 2003, the court rules governing proceedings regarding juveniles were amended and moved to the new MCR subchapter 3.900. In this opinion, we refer to the rules in effect at the time of the order terminating parental rights. See *In re JK*, 468 Mich 202, 209 n 17; ___ NW2d ___ (2003).